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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,617

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Antonio Augusto De Miranda Grieco

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EXAMINER

NDUBIZU, CHUKA CLEMENT

ART UNIT

PAPER NUMBER

3743

NOTIFICATION DATE

DELIVERY MODE

07/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,617	<b>Applicant(s)</b> DE MIRANDA GRIECO, ANTONIO AUGUSTO	
	<b>Examiner</b> CHUKA C. NDUBIZU	<b>Art Unit</b> 3743	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-10, 13-14 is/are rejected.
- 7) ☒ Claim(s) 3, 12 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendment filed on April 3 2009 is acknowledged.

### ***Claim Objections***

Claim 3 is objected to because of the following informalities: Line 6 recites "tatter" instead of "later". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamar 3,329,529. Lamar teaches the invention as claimed (figs 1-5), a self-cleaning assembly attachable to a kitchen-range 2, comprising, at least one first conduit 42 capable of connecting a drain opening (lower part of 43) in said kitchen-range to propelling means, and at least one second conduit 41, 37, 36 capable of connecting the propelling means 44 to a spraying assembly 47, 52 on the kitchen-range, so that the opening, the first conduit, the propelling means, the second conduit, the spraying assembly will form a cleaning circuit; a cleaning-element delivering valve 92 connecting an external source to said circuit, and a cleaning-liquid draining valve in pump 91

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(column 4 lines 24-25) connecting the circuit to an external drain means; (claim 14) wherein the cooking top 3 is a part of a kitchen-range.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 13 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 11/450,253. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to the same patentable invention. Both teach, a self-cleaning assembly attachable to a kitchen-range comprising, at least one first conduit capable of connecting a drain opening in said kitchen-range to propelling means, and at least one second conduit, capable of

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connecting the propelling means to a spraying assembly on the kitchen-range, so that the opening, the first conduit, the propelling means, the second conduit, the spraying assembly will form a cleaning circuit; a cleaning-element delivering valve (structure) connecting an external source to said circuit, and a cleaning-liquid draining valve (structure) connecting the circuit to an external drain means.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1,2, 4-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4-10 of copending Application No. 11/450253 in view of Rogers 3,059,632. Claims 1,2, 4-10 in both applications are directed to the same patentable inventions. Both teach a kitchen-range of the type that has a cooking top comprising at least one surface, wherein at least one heating device and a support means, are arranged; the kitchen-range being characterized by further comprising a first cleaning-element spraying assembly arranged in the cooking top at least one surface of the latter being inclined with respect to the horizontal plane, so the sprayed elements can flow into a drain opening connected to a re-feeding circuit for feeding cleaning elements back to said first spraying assembly; a cleaning-element delivering valve connecting an external source to said circuit, and a cleaning-element draining valve connecting the circuit to an external drain means; and control means to open and close the valves, enabling the cleaning elements to get into and out of the cleaning circuit, and to turn on and off said valves, initiating and finishing the circulation of the cleaning elements in the circuit;

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(claim 2) wherein the re-feeding circuit comprises at least one first conduit connecting the drain opening to propelling means, and at least one second conduit connecting the propelling means to the first spraying assembly. Both further teach, (claim 4) wherein the cleaning elements are cleaning liquids; (claim 5) wherein the propelling means are a pump; (claim 6) wherein the cleaning-element delivering valve is connected to the entrance of the pump by means of a reservoir; (claim 7) wherein the circuit comprises cleaning-element heating means; (claim 8) wherein the spraying means consist of at least one spraying arm and a sprayer; (claim 9) wherein the drain openings have filters; (claim 10) the control means comprise at least one from an electronic circuit and a timer.

Rogers discloses a kitchen range including a cover that covers the cooktop in order to provide a smooth counter top.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Allowable Subject Matter***

Claims 3, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's remark that claims 13 and 14 are cancelled is noted, however claims 13 and 14 are not listed in the claims as cancelled, hence the 102 rejection of claims 13 and 14 above.

Applicant's argument with respect to Yeung reference is persuasive hence Yeung reference is not used for the rejections above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKA C. NDUBIZU whose telephone number is (571)272-6531. The examiner can normally be reached on Monday - Friday 8.30 - 4.30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuka C Ndubizu/  
Examiner, Art Unit 3749

/Kenneth B Rinehart/  
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